



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

WILLIAM PEACOCK,

Plaintiff,

v.

Civil Action No. **3:16CV646**

DAVID SIMONS,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on August 19, 2016, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

By Memorandum Opinion and Order entered on September 28, 2016, the Court dismissed the action because Plaintiff had not complied with the Court's order to return a consent to collection of fees form. However, a review of the docket demonstrates that Plaintiff completed and returned a consent to the collection of fees form and the Court received it on September 26, 2016. Because Plaintiff filed a consent to the collection of fees form prior to the Court's dismissal of the action, the Court will VACATE the September 28, 2016, Memorandum Opinion and Order and will REINSTATE the action on the Court's active docket.

An appropriate Order shall accompany this Memorandum Opinion.

/s/ 
M. Hannah Lauck
United States District Judge

Date: **OCT 17 2016**
Richmond, Virginia